

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

NOV 03 2003

RECEIVED

In re Application of

Tremblay *et al.*

Serial No. 09/904,568

Filing Date: July 16, 2001

)
) Group Art Unit: 1635
)
) Examiner: James Schultz
)
)
) Docket No. 04780.00001

For: **HCaRG, A Novel Calcium-Regulated Gene Coding for a Nuclear Protein**

STATUS INQUIRY

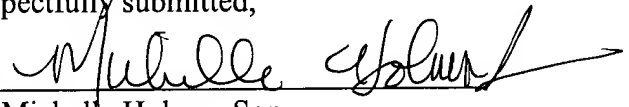
Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Almost two months have passed since Applicants' representative was informed that a new non-final Office Action would be mailed. A Notice of Appeal and the requisite fee were filed on July 9, 2003, a copy of which is attached hereto for the Examiner's convenience. Applicants respectfully request the status of the application, including an indication of when the next action will be mailed.

Date: October 31, 2003

Respectfully submitted,

By: 
Michelle Holmes-Son
Registration No. 47,660

Banner & Witcoff, Ltd.
1001 G Street, NW
Washington, DC 20001
202-824-3000

Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number 09/904,568

Filing Date July 16, 2001

First Name and Inventor Johanne Tremblay

Group Art Unit 1635

Examiner Name J. Schultz

Total Number of Pages in This Submission

Attorney Docket Number 04780.00001

ENCLOSURES (check all that apply)☒ Fee Transmittal Form☐ Fee Attached☐ Amendment / Response☐ After Final☐ Affidavits/declaration(s)☒ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/ Incomplete Application☐ Response to Missing Parts under 37 CFR 1.52 or 1.53☐ Assignment Papers (for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication to Group☐ Appeal Communication to Board of Appeals and Interferences☒ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☐ Other Enclosure(s) (please identify below):

Remarks

COPY

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Michelle L. Holmes-Son, Reg. No. 47,660

Signature

Date

July 9, 2003

CERTIFICATE OF MAILINGI hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name

Signature

Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**FEE TRANSMITTAL
for FY 2003**

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 420

Complete if Known

Application Number	09/904,568
Filing Date	July 16, 2001
First Named Inventor	Tremblay et al
Examiner Name	J. Schultz
Art Unit	1635
Attorney Docket No.	04780.00001

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number

19-0733

Deposit
Account
Name

Banner & Witcoff, Ltd.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$) 0

2. EXTRA CLAIM FEES

Total Claims		** =	Extra Claims	X	Fee from below	=	Fee Paid
Independent Claims		** =	0	X		=	0
Multiple Dependent				X		=	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	260
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	160
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

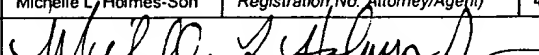
*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 420

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Michelle L. Holmes-Son	Registration No. Attorney/Agent	47,660	Telephone	(202) 824-3220
Signature				Date	July 9, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form.

Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231



☒ PATENT ☐ DESIGN B&W Ref. 004780 00001 Date 7-9-03

☐ HAND CARRY Group/Section _____ Bldg _____ Rm _____

Serial/Patent No. 091904, 568 Atty/Sec MHS/SEL

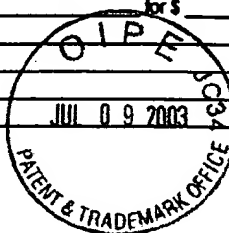
Inventor Johanne Tremblay et al Client Gaudreau Gage Dubuc

Title Hcals, A Novel Calcium-Regulated Gene
Coding For a Nuclear Protein

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

<input type="checkbox"/> _____ total pp Spec., including : # of Claims _____ (# of independent claims _____); <input type="checkbox"/> Abstract	<input type="checkbox"/> Sequence Listing : <input type="checkbox"/> Diskette <input type="checkbox"/> Paper
<input type="checkbox"/> Drawings : <input type="checkbox"/> Formal <input type="checkbox"/> Informal # of distinct sheets _____ : Figs. _____	<input type="checkbox"/> Amendment <input type="checkbox"/> Response : OA did _____
<input type="checkbox"/> Declaration/Power of Attorney : <input type="checkbox"/> Executed <input type="checkbox"/> Unexecuted	<input checked="" type="checkbox"/> Petition for Extension of Time until <u>7-9-2003</u>
<input type="checkbox"/> Assignment w/PTO Cover Sheet	<input type="checkbox"/> CPA <input type="checkbox"/> RCE <input type="checkbox"/> w/Ext of Time : OA did _____
<input type="checkbox"/> IDS w/PTO 1449 <input type="checkbox"/> References <input type="checkbox"/> w/Fee	<input type="checkbox"/> Request for Approval of Drawing Changes
<input type="checkbox"/> Preliminary Amendment	<input checked="" type="checkbox"/> Notice of Appeal & Fee
<input type="checkbox"/> Priority Claim (Foreign or U.S. Provisional. B&W # _____)	<input type="checkbox"/> Brief : <input type="checkbox"/> Appeal & Fee <input type="checkbox"/> Reply
	<input type="checkbox"/> Request for Oral Hearing
	<input type="checkbox"/> Issue Fee <input type="checkbox"/> Advance Patent Copies (# ordered _____)
	Notice of Allowance did _____
Country _____ Appl. # _____ Date _____	<input type="checkbox"/> Amendment under 37 CFR 1.312
<input type="checkbox"/> w/Foreign Priority Document(s)	<input type="checkbox"/> Request for Certificate of Correction
<input type="checkbox"/> Application : <input type="checkbox"/> CIP <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional	<input checked="" type="checkbox"/> Transmittal <input checked="" type="checkbox"/> Fee Transmittal w/Auth. to Charge Deposit Acct.
Parent Ser. No. _____ B&W# _____	<input type="checkbox"/> Certificate of Mailing
<input type="checkbox"/> U.S. Provisional _____ pp Spec/Claims; Cover Sheet	<input type="checkbox"/> Check # _____ for \$ _____
<input type="checkbox"/> Response to Missing Parts/Requirements did _____	<input type="checkbox"/> _____
<input type="checkbox"/> Response to Notice to File Corrected Appln. Papers did _____	<input type="checkbox"/> _____
<input type="checkbox"/> Request for Expedited Foreign Filing License	<input type="checkbox"/> _____
<input type="checkbox"/> Request for Corrected : <input type="checkbox"/> Filing Receipt <input type="checkbox"/> Assignment	<input type="checkbox"/> _____
<input type="checkbox"/> Response to Restriction/Election Requirement	<input type="checkbox"/> _____

17



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